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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations made under Chapter 1 of Part 1 of, and Schedule 1 to, the Health Act 2006 contain provisions which relate to smoke-free places (premises and vehicles) in England.

Regulation 2 provides that the driver, any person with management responsibilities for a smoke-free vehicle and any person on a smoke-free vehicle with responsibility for safety or order on that vehicle are each under a duty to cause persons to cease smoking in the vehicle.

Regulation 3 and Schedules 1 and 2 set out fixed penalty forms.

Schedule 1 applies to the offence of failing to display a no smoking sign in accordance with requirements made by or under section 6 of the Act. The maximum penalty on conviction for that offence is a fine of level 3 on the standard scale (at present £1,000), the fixed penalty is £200 and the discounted amount for prompt payment is £150.

Schedule 2 applies to the offence of smoking in a smoke-free place under section 7 of the Act. The maximum penalty on conviction is a fine of level 1 on the standard scale (at present £200), the fixed penalty is £50 and the discounted amount for prompt payment is £30.

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies can be obtained from the Smokefree Legislation Team, Room 712, Department of Health, Wellington House, 133-135 Waterloo Road, London SE1 8UG.